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17.   (amended) The apparatus of claim 16, wherein an identification of the time slot includes said requested program stream provided to said requesting subscriber.

18.   (amended) The apparatus of claim 12, wherein a bitrate of an encoded transport stream is adapted by adding NULL packets to the slotted transport stream.

21.   (amended) The method of claim 1, further comprising:
       storing, in a file server, at least one transport encoded program; and
       in response to a subscriber request for a transport encoded program, including said requested transport encoded program within a respective time slot of said output transport stream being formed.

23.   (amended) The method of claim 1, wherein a bitrate of said output transport stream is adjusted by deleting program packets and inserting NULL transport packets within said processed output transport stream.

Please add new claim 26 as follows:

--26. (newly added) The method of claim 10, wherein initial and replacement packets associated with said desired time slot represent respective first and second programs.--

REMARKS

In this non-Final Office Action, claims 1-25 are pending, of which claims 1-25 stand rejected. By this amendment, claims 1-3, 5-7, 10, 12, 17, 18, 21, and 23 have been amended, claims 4 and 11 have been cancelled, new claim 26 has been added, and claims 8, 9, 13-16, 19, 20, 22, 24, and 25 continue unamended. In view of both the amendment presented above and the following discussion, the applicants submit that none of the claims now pending in the application are anticipated under

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the provision of 35 U.S.C. §102. Thus, the applicants believe that all of these claims are now in allowable form.

Rejections

A.   35 U.S.C. § 102

1. Claims 1-25

The Examiner has rejected claims 1-11 under 35 U.S.C. § 102 as being anticipated by Slattery (U.S. Patent No. 6,246,701, issued June 12, 2001). The applicants respectfully traverse the rejection.

The applicants have amended claim 1 to recite additional features that the applicants consider inventive. In particular, amended claim 1 recites:

"A method for processing a transport stream comprising a plurality of time slots for transporting therein respective programs having a common time base indicated by a periodically inserted time stamp, said method comprising:
    modifying packets associated with a desired time slot of a received transport steam to produce an output transport stream; and
    transmitting said output transport stream; wherein
    said transmitted output transport stream includes the same periodically inserted time stamp provided by said received transport stream." (Emphasis added).

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984)(citing Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983) (emphasis added)). The Slattery reference fails to disclose each and every element of the claimed invention, as arranged in the claim. That is, the Slattery reference fails to disclose the limitation of "the transmitted output transport stream includes the same periodically inserted time stamp provided by the received transport stream."

Slattery teaches the PCR's of a transport stream are restamped. Specifically, Slattery discloses a PCR normalization process where the processor schedules each

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transport packet to be outputted in a time slot at a particular dispatch time, corresponding to a predetermined delay in the remultiplexer node. If the scheduled transport packet contains a PCR, the PCR is adjusted based on a drift of the local reference clock relative to the program of the system time clock from which the PCR was generated, as well as adjusting PCR time stamp based on a difference between the scheduled dispatch time of the transport packet and an actual time at which the time slot occurs relative to an external clock (see Slattery, Col. 7, lines 50-62).

By contrast, the applicants' invention provides that <u>the transmitted output transport stream includes the same periodically inserted time stamp provided by the received transport stream</u>. That is, the applicants' invention does not require the normalization process, as disclosed in the Slattery reference, since a modified (i.e., replacement) transport packet uses the time stamp of the originally received transport stream. To further illustrate the difference between the applicants' invention and Slattery, the Examiner is invited to refer to FIG. 4. In FIG. 6, the packets of program 1 are illustratively modified (i.e., replaced) by the packets of program 4. The program packets designated 4 in the second transport stream T_{IN2} are multiplexed into the output transport stream T_{OUT} such that the packets of program 4 utilize the slots and time stamps of the transport packets of program 1 in the first transport stream T_{IN1}. Accordingly, the normalization process of Slattery is not required in the applicants' invention. Therefore, for at least the reasons discussed above, <u>each and every element of the claimed invention,</u> arranged as in the claim, is not taught or even suggested by the Slattery reference.

As such, the applicants submit that independent claim 1 is not anticipated under 35 U.S.C. §102 and is fully patentable thereunder. Furthermore, claims 2-6 and 21-25 depend, either directly or indirectly, from independent claim 1 and recite additional limitations thereof. As such and for at least the same reasons, the applicants submit that these dependent claims are not anticipated under 35 U.S.C. §102 and are fully patentable thereunder.

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Moreover, the applicants have amended independent claims 7 and 12, which recite similar limitations as recited in independent claim 1, as amended. As such, the applicants submit that independent claims 7 and 12 are not anticipated under 35 U.S.C. §102 and are fully patentable thereunder. Furthermore, claims 8-10, 26, and 13-20 depend, either directly or indirectly, from independent claims 7 and 12 and recite additional limitations thereof. As such and for at least the same reasons, the applicants submit that these dependent claims are not anticipated under 35 U.S.C. §102 and are fully patentable thereunder. Therefore, the applicants respectfully request that the rejections be withdrawn.

<u>Conclusion</u>

Thus, the applicants submit that none of the claims, presently in the application, are anticipated under the provision of 35 USC § 102. Consequently, the applicants believe that all these claims are presently in condition for allowance. Accordingly, reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone <u>Mr. Eamon J. Wall, Esq.</u> at (732) 530-9404 so appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

6/6/02

[signature]
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